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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,797	02/06/2002	Satoshi Oshima	62807-032	4486

7590 01/25/2005
MCDERMOTT, WILL & EMERY
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Washington, DC 20005-3096

EXAMINER

WOO, ISAAC M

ART UNIT	PAPER NUMBER
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2162

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N . 10/066,797	Applicant(s) OSHIMA ET AL.	
	Examiner Isaac M Woo	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to Applicant's Amendments filed on September 09, 2004 have been considered but are deemed moot in view of new ground of rejections below.

2. Claims 1, 3 and 5-7 are amended. Claim 8 is newly added. Claims 1-8 are now pending.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Chapman et al (U.S. Patent No. 6,594,723, hereinafter, "Chapman").

With respect to claims 1 and 6-8, Chapman discloses, copying (174, fig. 1, col. 4, lines 65-67 to col. 5, lines 1-20, OS updated program copied to memory), a by a first OS

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(167, operating system, fig. 1), files to be used by a second OS (New OS, 178, fig.1) from the non-volatile storage (162, external storage device, e.g., CD-ROM, col. 3, lines 1-26), onto the volatile storage (156, flash memory, fig. 1, col. 3, lines 11-67 to col. 4, lines 1-65); executing the first (150, fig. 1) and second OSs (162, fig. 2) simultaneously on the single computer systems (162, fig.1, external device is CF card or CD-ROM) wherein the simultaneous execution includes using the copied files to execute the second OS, see (222, fig. 6, Re-boot, col. 7, lines 31-67); storing data used for updating the copied files (col.2, lines 55-58) into the volatile storage (into 156, flash memory, fig. 1) without updating the files stored in the non-volatile storage (162, external storage device, data in the CD-ROM (external storage device) not changed, fig. 1); and re-starting (222, reboot, fig. 6) the second OS (original OS from external device, fig. 1) with copying the files from the non-volatile storage (162, external storage device) onto the volatile storage (156, flash memory, fig. 1, col. 3, lines 11-67 to col. 4, lines 1-65) without using the updated copied files, thereby starting an OS from a file system in a predetermined state each time the single computer system is re-started, see (242, fig. 6, col. 7, lines 31-67, rebooting with new operating system originally from external device that has different OS from 150, fig. 1).

With respect to claim 2, Chapman discloses, OS not having a non-volatile storage (162, external storage device, fig. 1) stores a file by communicating with an OS having a volatile storage (156, flash memory, fig. 1), see (col. 3, lines 1-67 to col. 4, lines 1-67 to col. 5, lines 1-21).

With respect to claim 3, Chapman discloses, second OS of the single computer system has a communication device, and when an OS on an external computer having a communication device and a non-volatile storage exchange a file with the second OS via the communication devices, the second OS stores the file on the non-volatile storage of the external computer, see (col. 3, lines 1-67 to col. 4, lines 1-67 to col. 5, lines 1-21).

With respect to claim 4, Chapman discloses, first OS and the second OS have communication devices which are connected to each other by a communication line, and when exchanging a file via the communication devices, the second OS stores the file on the non-volatile storage of the first OS, see (col. 3, lines 1-67 to col. 4, lines 1-67 to col. 5, lines 1-21).

With respect to claim 5, Chapman discloses, simultaneously executing a plurality of OSs, the second OS stores the file on the non-volatile storage of the first OS, see (col. 3, lines 1-67 to col. 4, lines 1-67 to col. 5, lines 1-21).

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (571) 272-4043. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IMW
January 12, 2005


JEAN M. CORRIELUS
PRIMARY EXAMINER